

#### IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

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International Filing Date : 8 August 2003 (08.08.2003)

Priority Date(s) Claimed : 11 September 2002 (11.09.2002)

Applicant(s) (DO/EO/US) : Robert HAMMOND-SMITH ET AL.

Title: BIREFRINGENT MARKING

### INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

### Timing and Fees

XI	Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:					
		within three months of the filing date of a national application other than a CPA under § 1.53(d);				
	$\boxtimes$	within three months of the actual filing date of the national phase of a PCT application; OR				
		before the mailing of a first substantive office action (including after filing of an RCE).				
		37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods lied in 37 C.F.R. § 1.97(b), but before the mailing date of:				
		a final rejection under 37 C.F.R. 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR a notice of allowance under 37 C.F.R. § 1.311; and				

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is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) set out below; O.	D
	IX.
a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).	
Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the m date of the following actions which have not been withdrawn:	nailing
a final action under 37 C.F.R. § 1.113;	
termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);	
OR a notice of allowance under 37 C.F.R. § 1.311;	
AND is filed on or before payment of the issue fee; AND is accompanied by:	
the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the \$180.00 under 37 C.F.R. § 1.17(p).	fee of
Statements Under 37 C.F.R. 1.97(e)	
Each item of information contained in this information disc statement was cited in a communication from a foreign patent offic counterpart foreign application having a mailing date not more than months prior to the filing date of this information disclosure statem	ce in a
No item of information contained in this information disclosure state was cited in a communication from a foreign patent office in a count foreign application, and to the knowledge of the undersigned attached after making reasonable inquiry, no item of information contained information disclosure statement was known to any individual design in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.	terpart torney in this gnated
Cited Materials	
Copies of materials listed but not attached were cited in benefit (35 U.S.C. ancestor application Serial No, on Form 892 by the Examiner and/or 1449 by the applicant; see 37 C.F.R. § 1.98(d).	
Copies of materials listed but not attached were cited in an international report dated <u>December 30, 2003</u> .	search
Not required by 37 CFR § 1.98.	
Copies of the materials listed are attached (except for the foregoing).	

## Non-English Language References

	$\boxtimes$	An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).					
		A foreign-language search report from a foreign patent office is provided, a pertinent parts are translated substantively below:					
		<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> </ul>					
		A = document defining the general state of the art O = non-written disclosure					
		<ul> <li>P = intercalated document</li> <li>T = document cited to understand the theory or principle underlying the invention</li> </ul>					
		E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date					
		D = cited in the application L = cited for another reason					
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	A chec	ck for \$ covering the fee identified above is attached.					
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●10/527693

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969 Attorney/Agent for Applicants

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Attorney Docket No.: MERCK-2986

Date: March 11, 2005

AJZ:ssr

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				Application Number	USNP of PCT/EP2003/008808	
INFO	RMATION	DIS	CLOSURE	Filing Date	8 August 2003 (08.08.2003)	
STATEMENT BY APPLICANT				First Named Inventor	Robert HAMMOND-SMITH ET AL.	
				Group Art Unit	unknown	
	(use as many sh	eets as	necessary)	Examiner Name	unknown	
Sheet	1	of	1	Attorney Docket Number	MERCK-2986	

U.S. PATENT DOCUMENTS •							
Examiner Initials *	Cite No.1	U.S. Patent Docum	nent Kind Code <sup>2</sup> ( <i>if known</i> )	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY		
	001	2003/178609		HAMMOND-SMITH ET AL.	09-25-2003		
	002	2003/035191		MOIA	02-20-2003		
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	1	Foreign Patent Document				Date of Publication of	Pages, Columns, Lines,	
Examiner Initials*	Cite No.1	Office <sup>3</sup>	Number⁴	Kind Code <sup>5</sup> ( <i>if known</i> )	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	003	GB	2357061		MERCK PATENT GMBH	06-13-2001		
	004	ĒΡ	1335217		MERCK PATENT GMBH	08-13-2003		001
	005	EP	1120737		ROLIC AG	08-01-2001		002
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